

Appl. No. 10/630,241
Attorney Docket No. Serie 5856
Amdt. dated December 27, 2006
Reply to Office Action of September 27, 2006

REMARKS / ARGUMENTS

In complete response to the Office Action dated September 27, 2006, on the above identified application, reconsideration is respectfully requested. Claims 12-15, 17, 18, 20, 23-24, 26, 28, 30-36, and 38-40 are pending in this application. Claims 12, 14, and 23 have been amended. Applicants submit these amendments do not contain new matter.

Claim Rejections Under 35 U.S.C. § 103:

Claims 12-15, 17, 18, 20, 23-24, 26, 28, 30-36, and 38-40 currently stand rejected under 35 U.S.C. 103(a) as being unpatentable over Vaidya, et al. (6,051,805) taken with THE WIPO document no. WO 02/058878. Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2142. To establish a prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143.

The present rejection fails to establish at least the third criterion. For example, even if combined as suggested in the Office Action, the references fail to teach defining manufacturing profiles for categories of workpieces welded in the shop based on duty factor and deposition rate for the categories of workpieces depending on a generator used in the welding and organizing the profiles in the form of a library of models for use in scheduling work in the welding shop, as recited in independent claims 12 and 26.

For these reasons, Applicants submit that independent claims 12 and 26, as well as those claims that depend therefrom, are allowable and withdrawal of this rejection is respectfully requested.

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CONCLUSION

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

S-signed pursuant to 37 CFR 1.4,

/Randol W. Read, Reg. No. 43,876/

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